

(1) It can do nothing and ignore the will of the people;

(2) It can deliver a bill that pretends to solve managed care's problems; or

(3) It can deliver the real Patients' Bill of Rights.

There is only one right choice, and there's absolutely no excuse for the U.S. Senate to get it wrong.

Mr. KENNEDY. Let me highlight what we heard this morning.

Good morning. My name is Newmyer and I'm here on behalf of the 2.5 million Americans who have seizure disorders, and their families. Some of these folks are well known to you—former Congressman Tony Coelho, Representative Neil Abercrombie, Congressman Hoyer's late wife. Others are total strangers—like me. And a couple hundred people on the Hill either have epilepsy or someone in their family does, but you don't know about it because stigma and fear keep these folks in the closet.

The Epilepsy Foundation urges passage of strong patients' rights legislation. Today's health insurance system is a mean-spirited, predatory mess. But it's far worse for people with special medical needs.

Those of you who cover this debate may recall that Tracy Buchholz from MN was the first public witness before the President's commission on health care. Tracy has epilepsy and led a rather normal life until her health plan started playing games with her life. She explained to the commission, when she came to Washington to testify, that she had been waiting eight months for permission to see her neurologist, because the literature and promises of her plan.

I'd like to make three brief points this morning.

First, the member satisfaction statistics are pure nonsense. If I asked each of you how you like your life insurance, you'd think I was nuts. You'd tell me that you think it's fine—you never had to use it. The same thing's true for the 80% of Americans who have no significant medical need in any one year. I urge the press to focus on satisfaction among plan participants who have faced a serious medical need.

That is important, Mr. President.

Second, to those members who say they don't want to interfere in the insurance market, let's be serious. The user isn't the customer. Most patients get insurance at work and have very little choice. When the person making the purchase decision isn't the user of the service, it's not a market. It's an anomaly. And it needs to be fixed. Now.

That is a very important point, Mr. President.

Finally, I know of no other segment of our society where some people elect to engage in predatory behavior knowing that the victims can't go to court. No patients want more lawsuits. Patients want health plans to stop horsing around. Patients want to fix a system where some people prosper by denying care. The key is ERISA reform, which is why it's being fought so hard by for-profit managed care plans.

Do you really think these plans can't afford for people with seizures to have easy access to decent care?

That is very moving, Mr. President, and clearly all of the organizations want us to debate and resolve these issues, because every single day they know that the lives of their members, like other Americans' lives, are being threatened by the abuses in the HMO system.

Finally, Mr. President, there is Debra Ness, executive vice president of the

National Partnership for Women & Families.

We need a full and fair debate on the Patients' Bill of Rights Act before the end of this session. Every day Congress delays, patients suffer:

Imagine your father being sick, and watching helplessly as his insurance company overrules his doctor about what treatment is best for him.

And yet . . . Congress delays.

Imagine your wife being told she can't participate in a clinical trial that might be the only opportunity to save her life.

And yet . . . Congress delays.

Imagine your child becoming permanently disabled because your insurance company wouldn't let you go to the nearest emergency room.

And yet . . . Congress delays.

Imagine the chronic disease you have managed for years suddenly going awry because your cost-conscious health plan refused to let you continue using the medication that helped stabilize your condition. [This happens, Mr. President. This happens.]

And yet . . . Congress delays.

We've talked with women around the country who told us with great passion how they believe the health care industry has abandoned patients for profits. They desperately want health plans to provide quality care, and they are convinced that government must play a role in setting quality standards.

And yet . . . Congress delays.

Just one bill responds to these legitimate and deep-felt concerns, and that is S. 1890, the Patients' Bill of Rights Act. It is the only bill that gives patients real protections, not phony substitutes. The Senate has an opportunity—and an obligation to Americans—to enact meaningful patient protections by passing S. 1890, the Patients' Bill of Rights Act.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter signed by a number of organizations saying:

We, the leadership organizations working for passage of the Patients' Bill of Rights, . . . ask [the majority leader] to schedule a full and fair debate before the close of the 105th Congressional session.

Mr. President, I ask the letter be printed in its entirety.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUPPORT THE PATIENTS'  
BILL OF RIGHTS,  
October 2, 1998.

Hon. TRENT LOTT,  
U.S. Senate, Washington, DC

DEAR SENATOR LOTT: As you know, there are only a few weeks left to pass meaningful patient protection legislation. We, the leadership organizations working for passage of the Patients' Bill of Rights (S. 1890) ask that you schedule a full and fair debate before the close of the 105th Congressional session. There are now more than 180 organizations supporting S. 1890.

Support for patient protection legislation has grown in the last year. In fact, after being presented with arguments pro and con, 65 percent of Americans believe the government needs to pass legislation to protect them from managed care industry abuses, according to a recent survey conducted by Harvard and the Kaiser Family Foundation. People across the country are calling for debate and passage of real patient protections.

We urge that the Senate fulfill its responsibility to represent the people's interests.

While Congress delays, people are being denied access to the specialists they need, denied coverage for clinical trials that may save their lives, and harmed by bureaucrats making medical decisions based on cost concerns rather than patient care needs.

There is an urgent need for this legislation, and because of this urgency we request a meeting with you so that we can personally convey the critical importance of this issue to the people across America that we represent.

Thank you for your time and consideration of this matter. We look forward to hearing from you soon. Please contact Judith L. Lichtman, President, National Partnership for Women & Families, with your reply.

Sincerely,

Sandy Bernard, President, American Association of University Women; Peggy Taylor, Director, Department of Legislation, American Federation of Labor-Congress of Industrial Organizations; Charles M. Loveless, Director of Legislation, American Federation of State, County and Municipal Employees; Nancy W. Dickey, MD, President, American Medical Association; Dale Eazell, PhD, Chair, Board of Directors, American Medical Rehabilitation Providers Association; Beverly L. Malone, PhD, RN, FAAN, President, American Nurses Association; Ron Pollack, Executive Director, Families USA Foundation; A. Cornelius Baker, Executive Director, National Association of People with AID; Judith L. Lichtman, President, National Partnership for Women & Family.

Mr. KENNEDY. There are now more than 180 organizations that are supporting it. The time is running short, but, as we have seen in the paper, there is a great deal of work yet to be done. We have not lost faith that still, somehow, the central concerns of families across this country can be listened to and responded to with a positive answer that, still, we might be able to, even in these last days of this session, have action to protect our families in this country.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### PRIVILEGE OF THE FLOOR

Mr. WARNER. Mr. President, I ask CDR Richard Voter be granted floor privileges for the purpose of my delivery to the Senate, which will be perhaps 10 to 12 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

The Senator is notified that we are in morning business with a 10-minute limitation. Does he wish to ask for more?

Mr. WARNER. Mr. President, I ask for up to 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.